

*Hon & Evans*  
*Mr.*

# Oxford

# Democrat.

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## NORTH EASTERN BOUNDARY.

### GOVERNOR'S MESSAGE.

To the Senate and House of Representatives:

I hereewith communicate for your consideration, a communication addressed to me by the Secretary of State of the United States, with the correspondence therein referred to, in reference to the North Eastern Boundary.

This communication is made by request of the President of the United States, and in compliance with his suggestion, I ask your careful and deliberate attention to the facts and propositions therein contained. The duty devolving upon me would perhaps be performed by the simple communication of these documents, without any remarks or comments of my own. But this subject, always interesting to Maine, has become more so by this direct application on the part of the President of the United States, for the expression of the wishes and will of this State in reference to the adjustment of this long pending question; and feeling a deep interest personally and officially in every thing that relates to it, and anxious mainly to see the rights and honor of Maine should not be jeopardized or impaired, I feel it to be a duty which I owe to the people who have assigned me my post of responsibility, to speak my honest opinions and views, plainly and unreservedly, upon the grave matters now submitted to you. I ask for my views no other weight or influence than such as their intrinsic value may entitle them to, and I desire only to be regarded as connected with you in guarding with watchful care the great interest entrusted to us, and doing my duty in this important crisis according to my best judgment. If my views are erroneous, or if I am in your opinion unnecessarily strict and severe in my judgement of intentions, or too limited in my suggestions of policy—I trust to you to correct or overrule me. I assume no right to dictate or control our present views.

It is certainly somewhat remarkable that if the assumed fact is true, viz. that the treaty line can not be laid down or fixed according to the treaty, that so much unwillingness should be exhibited to have an attempt made to ascertain it,—or if Great Britain is so strongly convinced of the original plan was at once deprived of vitality or power or use, and in fact the reference would have been merely an agreement to abide by the decision, provided both parties should be satisfied and assent to it.

There is an apparent, and I doubt not, a real anxiety to avoid discussion or examination based upon the treaty, and I fear, that if we once abandon that line in search of a conventional one, we shall never be able to bring them back again to consider the present line, or to recognize the treaty as of any binding efficacy. I fear too that the only question in negotiations for a conventional line, will be, how large a portion of our territory we must yield up. The suggestion made by our Government to take the River St. Johns from its mouth to its source, as the boundary, was rejected, with a simple expression of wonder that it should have been made; and our Government is told explicitly yet now that territory, which they then offered to pay us for, is claimed as clearly their own, and that line which then was admitted and recognized as including the territory as claimed by us, is now declared to be impracticable and must be abandoned, and a more convenient one sought for and established.

The intimation seems plain, that no negotiation for an exchange of territory or privileges will be entered into, but the single point will be, how shall the disputed territory be divided between the parties. I fear that if we abandon the treaty language, so clear and so decided in our favor, and so much at variance with their claim, we shall leave a certainty for an uncertainty, and throw doubt, confusion and embarrassment over our claim and our course of action, and yield to Great Britain the great obstacle we now present to her grasping spirit—the solemn treaty of '83.

And what security have we that any line can be fixed upon which shall be permanent, or what certainty is there that the new line may not be declared to be "impracticable," whenever may come in contact with any of the plans or wishes of Great Britain? It would certainly be difficult to present a stronger and clearer case than we now do, and it diplomacy and skill can manufacture doubts and embarrassments in the discussion of the question, as now presented, we may well despair of ever fixing a certain and unalterable line of boundary. If I am accused of injustice or severity in these remarks, I would point in justification to the remarkable progress of the doubts and assertions in relation to the treaty-line of Boundary. When the question as to which river was the true St. Croix of the Treaty (which was the only question then in dispute) was before the Commissioners under the Treaty of 1794, the British Agent sounds his principal argument for the westernmost river, upon the ground, that a line due north from the source of that river would only include a part of one of the rivers (the St. Johns) which have their mouth within New Brunswick. He says, "The most accustomed and convenient rule in cases of this kind, is, to leave to each power respectively the sources of those rivers that empty themselves, or whose mouths are within its territory upon the sea coast, if it can be done consistently with or in conformity with the intent of the treaty."

I think that the most cursory examination of the correspondence and movements on the part of Great Britain, must satisfy any one that the leading object which her diplomats have had in view, since the result of the arbitration, has been to destroy or lay aside the treaty line, to lead us away from the clear, unambiguous, definite terms of that treaty, and involve us in interminable discussions, propositions and replies in relation to conventional lines, no one of which will be accepted unless it gives to them a large part of our territory.

We find that in May 1838, very soon after the President, in pursuance of the advice of the Senate, had opened a new negotiation to ascertain the line according to the treaty of 1783—to which treaty-line the negotiation was of course confined, the British Minister suggested that this perplexed, and hitherto interminable question, could only be set at rest by the aban-

donment of the defective description of Boundary contained in the treaty, and by the two governments mutually agreeing upon a conventional line, more convenient to both parties."

The same intention is apparent in the refusal to acquiesce in the proposition to refer the settlement of the treaty line to a commission, to be constituted of an equal number chosen by each party, with an umpire to be designated by a friendly power from the most skillful men in Europe; or secondly, that the commission should be entirely composed of such scientific men in Europe, to be selected by some friendly powers to be attended in the survey and view of the country by agents appointed by the parties.

It was in answer to this proposition, that the suggestion of the impracticability of the treaty line was made, and the intention became apparent to lead us away from that inconvenient obstacle to their wishes and plans—the treaty language. The proposition was so equitable and fair—so just to all parties, and so full of promise of adjustment upon proceedings satisfactory to us, that is could not be peremptorily rejected.

But although it was entertained, the answer to it clogged the proposition with so many conditions, and so limited the powers of the commissioners, and required the concession on our part of the all important fact that the St. Johns and Restigooch are not Atlantic rivers—that the original plan was at once deprived of vitality or power or use, and in fact the reference would have been merely an agreement to abide by the decision, provided both parties should be satisfied and assent to it.

It is certainly somewhat remarkable that if the assumed fact is true, viz. that the treaty line can not be laid down or fixed according to the treaty, that so much unwillingness should be exhibited to have an attempt made to ascertain it,—or if Great Britain is so strongly convinced of the original plan was at once deprived of vitality or power or use, and in fact the reference would have been merely an agreement to abide by the decision, provided both parties should be satisfied and assent to it.

Great Britain then by her negotiators expressly stated that she "desires the revision of the frontier between her North American dominions and those of the United States, not with any view to an acquisition of territory, as such, but for the purpose of securing her possessions, and preventing future disputes, and such a variation of the line of frontier as may secure a direct communication between Quebec and Halifax." And when our negotiators peremptorily refused to agree to any cession of territory, the answer was that "we were not prepared to anticipate the objections contained in the note of the American Plenipotentiaries, that they were instructed to treat for the revision of their boundary lines, with the statement which they have subsequently made, that they had no authority to do, any part, however insignificant, of the territories of the United States, although the proposal left it open for them to demand an equivalent for such cession in territory or otherwise." And yet now that territory, which they then offered to pay us for, is claimed as clearly their own, and that line which then was admitted and recognized as including the territory as claimed by us, is now declared to be impracticable and must be abandoned, and a more convenient one sought for and established.

I feel most sensibly, that this question now presented is one of very grave importance, and that the action now to be had by the Legislature of Maine, may, and probably will have a very material influence upon the relations between this Government and Great Britain.

The painful conviction is forced upon me, that Great Britain is determined to hold this territory that she now claims, deeming it highly important as securing a connection between her provinces in time of war and peace, and I reiterate the assertion heretofore made, that "we have little to hope from the forbearance or action of the British Government." Their aim is apparently to expunge the treaty-provision, and to hold on with an unyielding grasp to their modern claim, and to reject all propositions having the treaty line for their basis. I can not but regard it as unfortunate, that our General Government, although it has recognized our right to be consulted before any conventional line should be adopted, has in a degree, at least, given countenance to the propriety and expediency of departing from the treaty line.

In a note from the Department of State, dated 28th April, 1835, Sir Charles R. Vaughan was assured that his prompt suggestion, as His Britannic Majesty's Minister, that a negotiation should be opened for the establishment of a conventional boundary between the two countries, was duly appreciated by the President, who, had he possessed such powers with His Majesty's Government over the subject, would have met the suggestion in a favorable spirit.

Such a suggestion, it seems to me, although dictated doubtless by a sincere desire to end the controversy, was well calculated to lead our opponents as a matter of policy on their part, to prolong the previous proposition with insuperable difficulties, and to encourage them to persevere in their attempt to obliterate the treaty language.

I think the same effect must have resulted from the singular announcement to the British Government by the late President of the United States in 1832, in opening the negotiation under the vote of the Senate, for a settlement of the Treaty line, "That if the Plenipotentiaries should fail in a new attempt to agree upon the line intended by the Treaty of 1783, there would probably be less difficulty than before in fixing a convenient boundary, as measures were in progress to obtain from the State of

Maine, more extensive powers than were before possessed, with a view of overcoming the constitutional obstacles which had opposed themselves to such an arrangement."

If a direct proposition had come to us, through the General Government, for a specific line of boundary, yielding to us territory, or privileges of navigation equivalent to the unsettled territory which we might cede to them, it would certainly have presented the question in a different aspect. But the question now is, as I understand it, whether we shall take the lead in abandoning the treaty, and volunteer positions for a conventional line.

In respect to the proposition for additional surveys, as it seems to me inexpedient for this State to acquiesce in the proposed negotiation for a conventional line, until it is demonstrated that the treaty line is utterly impracticable and void for uncertainty,—I can have no doubt that the line ought to be run, either by a joint commission of exploration and survey, or independently by our General Government, by its own surveyors. It is evident to me, that Great Britain is determined to avoid, if possible, such an examination and exploration and establishment of the line, and such proof of the real facts of the case.

It will be perceived that the President intimates that if the consent of Maine is not obtained, for entering into direct negotiations for a conventional line, and all other measures failing "He will feel it to be his duty to submit another proposition to the Government of Great Britain to refer the decision of the question to a third party."

As this right is claimed on the part of the President as within his constitutional powers, without the consent of Maine, and as no action on the part of Maine in reference to this mode of adjustment is asked by the President, I forbear to comment upon it, but refer it to your consideration.

Our situation in relation to this interesting question at this moment demands the exercise of cool and dispassionate judgment, and careful, cautious but firm action. We owe it to the General Government, and our sister States, to do nothing rashly or hastily—to bear and forbear for the sake of the peace of the nation and the quiet of our borders. But we have a duty to perform to ourselves and our constituents, who have entrusted the rights and honor of Maine to our keeping. Relying upon your patriotism and intelligence and caution, I place these documents before you, and ask your action upon them, in the confident hope that the rights and the territory secured to us by our fathers, in the field and the cabinet, will not be impaired or surrendered.

EDWARD KENT.

COUNCIL-CHAMBER, }  
March 14, 1838.

STATE OF MAINE.

IN SENATE.

March 14, 1838.

Read and referred to the Committee on the North Eastern Boundary.

Sent down for concurrence.

NATH'L S. LITTLEFIELD,

President.

HOUSE OF REPRESENTATIVES.

March 14, 1838.

Read and referred in concurrence; and ordered that said Committee be instructed to procure the printing of 5000 copies thereof together with the accompanying papers for the use of the Legislature as soon as it can be done in the printing offices of this and the neighboring towns.

Sent up for concurrence.

E. H. ALLEN, Speaker.

IN SENATE.

March 14, 1838.

The Senate nonconcur the House in the printing of these documents.

Sent down for concurrence.

N. S. LITTLEFIELD,

President.

HOUSE OF REPRESENTATIVES.

March 15, 1838.

The House recede and concur.

E. H. ALLEN, Speaker.

EXTRACT OF A LETTER

FROM

HON. JOHN FORSYTHE TO GOV. KENT.

In January last, Mr. Fox, the British Minister at Washington, made a communication to the Department of State in which with reference to the objection preferred by the American Government, that it had no power, without the consent of Maine, to agree to the arrangement proposed by Great Britain, since it would be considered by that State as equivalent to a cession of what she regards as a part of her territory,—he observed, that the objection of the State could not be admitted as valid, for the principle on which it rested was as good for Great Britain as it was for Maine—that if the State was entitled to contend that, until the treaty line was determined, the boundary claimed by Maine must be regarded as the right one, Great Britain was still more entitled to insist on a similar pretension, and to assert that, until the line of the treaty shall be established satisfactorily, the whole of the disputed territory

ought to be considered as belonging to the British Crown; since Great Britain was the original possessor, and all the territory which had been proved to have been, by treaty, ceded by her, must be deemed to belong to her still.—

But Mr. Fox said the existence of these conflicting pretensions pointed out the expediency of a compromise—and why, he asked, as a conventional line different from that described in the treaty was agreed to with respect to the boundary westward from the Lake of the Woods, should such a line not be agreed to likewise for the boundary eastward from the Connecticut? Her Majesty's Government could not, he added, refrain from again pressing this proposition upon the serious consideration of the United States as the arrangement best calculated to effect a prompt and satisfactory settlement between the two powers.

With reference to the American proposition to make the river St. John, from its mouth to its source, the boundary, Mr. Fox remarked that it was difficult to understand upon what grounds any expectation could have been formed that such a proposal could be entertained by the British Government; for such an arrangement would give to the United States even greater advantages than they would obtain by an unconditional acquiescence in their claims to the whole of the disputed territory—because it would give to Maine all the disputed territory lying south of the St. John—and in exchange for the remaining part of the territory lying to the north of the St. John, would add to the State of Maine a large district of New Brunswick—a district smaller in extent, but much more considerable in value than the portion of the disputed territory which lies to the north of the St. John.

With regard to the proposition for the appointment of a Commission of Exploration and Survey, Mr. Fox stated that Her Majesty's Government, that little expectation that it could lead to a useful result, but unwilling to reject the only plan left which seemed to afford a chance of making a further advance in this matter, would not withhold their consent to such a Commission, if the principle upon which it was to be formed, and the manner in which it was to proceed, could be satisfactorily settled—that of the two modes proposed in which such a Commission might be constituted, Her Majesty's Government thought the first, viz.: that it might consist of Commissioners named in equal numbers by each of the two Governments, with an Umpire to be selected by some friendly European Power, would be the best; but suggested that it might be better that the Umpire should be selected by the members of the Commission themselves, rather than that the two Governments should apply to a third Power to make such a choice—that the object of this Commission should be to explore the disputed territory in order to find within its limits dividing high-lands which might answer the description of the treaty—the search to be made in a north and north west line from the monument at the head of the St. Croix—and that Her Majesty's Government had given their opinion that the Commissioners should be instructed to look for high-lands which both parties might acknowledge as fulfilling the conditions of the treaty.

In answer to the inquiry how the report of the Commission would, according to the views of Her Majesty's Government, be likely, when rendered, to lead to an ultimate settlement of the boundary question, Mr. Fox observed that, since the proposal of the appointment of a Commission originated with the Government of the United States, it was rather for that Government than for the Government of Great Britain to answer this question—Her Majesty's Government had already stated they had little expectation that such a Commission could lead to any useful result, &c.; but that Her Majesty's Government in the first place, conceived that it was meant by the Government of the United States that if the Commissioners should discover high-lands answering to the description of the treaty, a connecting line from them to the head of the St. Croix should be deemed to be a portion of the boundary between the two countries. Mr. Fox further referred the Secretary to the previous notes of Mr McLane on the subject, in which it was contemplated as one of the possible results of the proposed Commission that such additional information might be obtained of the features of the country as might remove all doubt as to the impracticability of laying down a boundary in accordance with the letter of the treaty. Mr. Fox said that if the investigations of the Commission should show that there was no reasonable prospect of finding the line described in the treaty of 1783, the constitutional difficulties which now prevented the United States from agreeing to a conventional line might possibly be removed, and the way be thus prepared for a satisfactory settlement of the difference by equitable division of the territory; but, he added, in conclusion, if the two Governments should agree to the appointment of such a Commission, it would be necessary that their agreement should be by a convention, and it would be obviously indispensable that the State of Maine should be an assenting party to the arrangement.

In acknowledging the receipt of Mr. Fox's communication at the Department, he was in



of Oxford, and was about 35 years of age, with the federalism of two States—their own, indeed the existing condition of things present. He was a lawyer by profession, having been a student with the late Gov. LINCOLN. He was the most unfortunate for the former, and the county has but two sides—there is no half way. He was one of the most pleasant and amiable men, most propitious for the latter. Under a firm house—no equivocal position between the two living—and was strongly endeared to a large circle of personal and political friends, who will the present will always operate, to a greater or less stand. Those who oppose the treasury in deeply regret his early death. Although not in the habit of participating in debate, he passes over removed from its acts and policy, the influence into the scale of a National Bank.

sed a sound and discriminating mind—and his opinions were entitled to, as they always received, the respectful attention of his friends.—*Eastern Argus.*

#### Legislature of Maine.

HOUSE OF REPRESENTATIVES,

MONDAY, March 19.

The following Resolutions introduced by Mr. Paris were read a second time, and unanimously passed.

*Resolved*, That the Senate and House of Representatives concurring, that the investigation into the manner and circumstances of the death of JONATHAN CILLEY, late a member of Congress from this State, instituted by the House of Representatives of Congress, was demanded by the people of this State; and it is hereby enjoined upon our Representatives in Congress to use their efforts to prevent any abandonment of the said investigation until all the facts and circumstances are ascertained and reported.

*Resolved*, That if any member or members of either House of Congress shall be implicated in any conspiracy which led to the violent death of the said JONATHAN CILLEY it will become the imperative duty of Congress to expel such member or members.

TUESDAY, March 20.

The following Resolutions introduced by Mr. Vose were unanimously passed:—

*Resolved*, That the members of this Legislature have received with sentiments of deep regret information of the decease of Hon. TIMOTHY J. CARTER, Representative in Congress, and one of the delegation from Maine, whose amiable deportment and unblushing moral character, having justly entitled him to the respect and affection of his fellow citizens.

*Resolved*, That we deeply sympathize with his bereaved widow on this melancholy occasion. He was a devoted son to his parents, a friend to his countrymen, and a true patriot.

*Resolved*, That the Secretary of State be directed to furnish her with a certified copy of these Resolutions.

#### IN SENATE.

TUESDAY, March 20.

Mr Green from the select committee in relation to the Oxford Bank, made a report upon the same, exhibiting the facts in relation to its origin and history, and accompanied by a Resolution, declaring that no such Bank has a legal existence in this State and censuring those individuals who made use of the name of that bank for illicit purposes: The Report having been accepted, Mr Edmunds offered an amendment to the Res. Sec., an adverting upon such of the corpora as named in the Act to incorporate the Oxford Bank, as had entertained a proposition to sell out their interest in that charter after it had expired by its limitation, and thereby afforded an opportunity for the commission of a fraud, to those individuals from New York, who availed themselves of it to cheat the public. Messrs Greene, Robinson, Prince and Osborn opposed the amendment, contending that no opposition to sell out the original corpora except upon the express condition that it could be done legally and with the concurrence of the government of the State in relation to which they entertained doubt, and that no blame whatever could possibly attach to them. Before any question was taken the Res. Sec. was laid on the table.

#### GLORIOUS VICTORY IN N. HAMPSHIRE.

#### HILL ELECTED BY THREE THOUSAND MAJORITY.

The result in New Hampshire has at length come to hand, and a most glorious one it is. Notwithstanding all the exertions of the federalists, Gov. Gil is re-elected by more than THREE THOUSAND MAJORITY. The recent town elections have exhibited the democrats have also elected, says the N. H. Patriot, FOUR of the five Counsellors, EIGHT of the twelve Senators, and a MAJORITY of the political elections upon collateral issues, but cannot, we believe, now put the result of the political elections upon collateral issues, but still meet, face to face, the real and substantial questions now before the country, and which are pressed by our opponents, are assuming a form of deep and implacable hostility to the rights of the people.

The Patriot adds:—"Men who did not belong to this State have voted in this election, probably from fifteen hundred to two thousand votes have been added to the federal votes by importations from Maine, Massachusetts and Vermont?"

The Boston Post says:—"Mr Hill, has received the largest number of votes cast by the democrats of New Hampshire—he has prepared to reconstruct their power, and by means of revolting to every dictate of patriotism and justice, as the end is an undisguised attack on the fundamental principles of our government and an alarming invasion of the liberties of the people. It is now openly proclaimed that the country is to know no prosperity, nor business a respite from their warfare, until the people shall lay down their arms and yield themselves up—the unwilling subjects of a National Bank. This is the real question at issue—that this is the ultimate of all their efforts—the sum and substance of their policy, which is admitted by all the acknowledged organs of the federal party. In yielding upon the floor of Congress to the project of a State Bank those without the State no cause for complaint. Upon no previous occasion, probably, was a deposit system, they adopt, in their judgment, more desperate effort made, than that which the readiest practicable mode of restoring ultimately the entire currency of the country and has just failed to secure the government of the "Granite State" to the federal party. The and the revenues of the government to the democracy of New Hampshire had to contend for guardianship of a great central monopoly. In

From the Eastern Argus.

#### NEW HAMPSHIRE ELECTION.

Considering the result of this election in connection with the circumstances under which it took place, we think the democrats within the State have no reason to be dissatisfied, and the federal party. In yielding upon the floor of Congress to the project of a State Bank those without the State no cause for complaint. Upon no previous occasion, probably, was a deposit system, they adopt, in their judgment, more desperate effort made, than that which the readiest practicable mode of restoring ultimately the entire currency of the country and has just failed to secure the government of the "Granite State" to the federal party. The and the revenues of the government to the

#### NOTICE.

THE subscriber intending to make a change in his business, requests that he be indebted to him, whose residence has been one year standing to call and settle FOR SALE, a general assortment of Goods for the Season—cheap or Prudely.

FRANCIS DEMIS.

March 21, 1838

At a Court of Probate held at Paris, within and for the County of Oxford, on the sixth day of March in the year of our Lord eighteen hundred and thirty-eight.

ON the petition of Timothy Hutchins administrator of the estate of Samuel Pinger late of Albany in said county, deceased, representing that the personal estate of said deceased is not sufficient to pay the just debts, which he owed at the time of his death the sum of one hundred dollars and praying for a license to sell and convey so much of the real estate of said deceased as may be necessary for the payment of said debts and incidental charges:

*Ordered*, That the said petitioner give notice thereof to all persons interested by causing a copy of this order to be published three weeks successively in the Oxford Democrat printed at Paris, that they may appear at a Probate Court to be held at Paris, in said county, on the tenth day of April next, at ten o'clock A. M. and shew cause if any they have, why the prayer of said petition should not be granted.

STEPHEN EMERY, Judge.

Copy, Attest—Levi Stowell, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the sixth day of March in the year of our Lord eighteen hundred and thirty-eight.

WILLIAM THOMPSON, Administrator of the estate of Richard Peale late of Cambridge in said county, deceased, having presented his first account of administration of the estate of said deceased, and also his own private account against said estate:

*Ordered*, That the said Administrator give notice to all persons interested by causing a copy of this order to be published in the Oxford Democrat printed at Paris, that they may appear at a Probate Court to be held at Paris, in said county, on the tenth day of April next, at ten o'clock A. M. and shew cause if any they have, why the prayer of said petition should not be allowed.

STEPHEN EMERY, Judge.

Copy, Attest—Levi Stowell, Register.

At a Court of Probate held at Paris, within and for the County of Oxford, on the sixth day of March in the year of our Lord eighteen hundred and thirty-eight.

FRANCIS BARKER, named Executor in a certain instrument purporting to be the last Will and Testament of James Towne late of Belch in said county, deceased, having presented the same for probate:

*Ordered*, That the said Executor give notice to all persons interested by causing a copy of this order to be published three weeks successively in the Oxford Democrat printed at Paris, that they may appear at a Probate Court to be held at Paris, in said county, on the tenth day of April next, at ten o'clock A. M. and shew cause if any they have, why the same should not be allowed.

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WILLIAM THOMPSON, Administrator of the estate of Richard Peale late of Cambridge in said county, deceased, having presented his second account of administration of the estate of said deceased, and also his own private account against said estate:

*Ordered*, That the said Administrator give notice to all persons interested by causing a copy of this order to be published in the Oxford Democrat printed at Paris, that they may appear at a Probate Court to be held at Paris, in said county, on the tenth day of April next, at ten o'clock A. M. and shew cause if any they have, why the same should not be allowed.

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*Ordered*, That the said Executor give notice to all persons interested by causing a copy of this order to be published three weeks successively in the Oxford Democrat printed at Paris, that they may appear at a Probate Court to be held at Paris, in said county, on the tenth day of April next, at ten o'clock A. M. and shew cause if any they have, why the same should not be allowed.

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**REPORT OF THE COMMISSIONERS ON THE  
NORTH EASTERN BOUNDARY—CONCLUDED.**

We have adverted in this place, to some few of the more prominent facts in the history of our boundary controversy, in order that, taken in connection with other facts within the recollection of all, they might enable us to perceive how forbearance has emboldened the spirit of encroachment,—how procrastination on our part, instead of contributing to remove the evil, of which we have so much reason to complain, has constantly been the occasion of aggravating it, and how, at every step since taken, the question has become more and more complicated and embarrassed. Meantime new causes of trouble have begun rapidly to develop themselves. There is danger lest our border difficulties assume a serious aspect. Under these circumstances the peace of the United States, the internal tranquility of the State itself

—its growing importance, its general and commercial prosperity, would seem imperiously to require, that the subject matter of this protracted and irritating dispute should be amicably arranged without further delay, if it can be done without too great a sacrifice. In fact, so grave and various were the considerations arising out of the actual state of the controversy a year since, that many who stand high in the confidence of the country, were of opinion, that it would be judicious on the part of Maine, as well as of the United States, to acquiesce in the advice of the Arbitrator. Against the acceptance and ratification of the award by the government of the United States, the Legislature of Maine, on mature consideration of the subject, with great unanimity, solemnly protested; but apprehensive lest the award should be ratified notwithstanding such protest, if the State persisted in rejecting all advances made towards an amicable adjustment, the Legislature, in a spirit of conciliation, agree to receive and consider, by means of Commissioners, whatever might be proposed on behalf of the United States, with a view to bring the controversy to a speedy and final termination; with the express reservation, however, that the doings of such Commission should, in no respect, be obligatory on the State, until ratified and confirmed by the Legislature itself.

The result of the acts of the Legislature and of the doings of the Commissioners appointed by its authority is, the enclosed provisional agreement already mentioned, and to which we beg leave to refer. It will be perceived by that agreement, that the President of the United States proposes to "open new negotiations with Great Britain, for the purpose of having the line designated by the treaty of 1783, run and marked according to that treaty;" and if that should be found impracticable, "for the establishment of such a new boundary between the dominions of the United States and Great Britain, as should be mutually convenient;" and also "for making arrangements relative to the navigation of the river St. John and the adjustment of other points, that may be necessary for the convenience of the parties interested;" and, that he deems "a cession from the State of Maine of all her jurisdiction and right of soil over the territory" claimed by her, lying north and east of the rivers St. John and St. Francis, "as indispensable to the success of such negotiation." However direct the interest of the State in the question at issue on the one hand, as a foreign government is urging its pretensions on the other, the government of the United States is the only constitutional and competent agent to take charge of the controversy. Still the power of that government over that subject is not unlimited.

The State has its constitutional rights which she may invoke, and which must be respected. If, then, in the progress of the contemplated negotiation, it should be found, that what is demanded as her right by Maine, is now utterly unattainable, and if the State, insisting upon its extreme right, denies to the United States all power under any circumstances, to make even a beneficial compromise; it is well to enquire at this stage of the proceeding, where is the controversy, and the well known state of things, and the onward course of events within the State, to lead us? Hence in order that the President may be enabled to open such negotiation, unembarrassed by conflicting power and jurisdiction, and with a reasonable or possible prospect of bringing the controversy to an amicable close, the proposition, "That the Legislature of Maine should provisionally surrender to the United States, all claim to jurisdiction and right of soil over the territory lying north of the river St. John and east of the river St. Francis as heretofore described," Maine in such case, and in any event to be indemnified for any portion of the territory, thus provisionally surrendered to the United States, if ultimately lost to the State, by adjoining territory to be acquired; and, so far as that should prove inadequate, at the rate of one million of acres of land in Michigan for the claim to and over the whole territory surrendered—said lands, thus to be appropriated, to be sold by the United States at their expense, and the proceeds to be paid without deduction into the Treasury of the State. We deem it proper in connection with this subject to add, that the present minimum price of the public lands of the United States, is one dollar twenty-five cents the acre; that those situated in the territory of Michigan are rapidly coming into the market, and that the demand for them, it is understood, is steady and increasing. We also take the liberty in this place to express the opinion, that should the agreement we have entered into in behalf of the State, be ratified by the Legislature, and should the Congress of the United States by any act of legislation, diminish the value of the lands, proposed to be appropriated and pledged as an indemnity to the State, the United States

would be bound in good faith to further indemnify the State for such diminution in value caused by their own acts. It is with these general views of the subject, and in full and entire confidence in the good faith of the government of the United States, and in the several branches of its high constituted authorities, that we have been induced after the most mature consideration we have been able to give to the subject to accede on our part to the provisional agreement, we now respectfully submit to the wisdom of the Legislature.

With great respect we have the honor to be,

Sir, your obedient servants.  
(Signed) WM. P. PREBLE,  
REUEL WILLIAMS,  
NICHOLAS EMERY.

His Excellency, SAMUEL E. SMITH,  
Governor of Maine.

The King of the Netherlands, mutually selected as Arbitrator by the King of the United Kingdom of Great Britain and Ireland, and the President of the United States, and invited to investigate and make a decision upon the points of difference which had arisen under the treaty of Ghent of 1814, in ascertaining that point of the Highlands lying due north from the source of the River St. Croix, designated by the Treaty of Peace of 1783 as the north west angle of Nova Scotia, and in surveying the boundary line between the dominions of the United States and Great Britain, from the source of the river St. Croix directly north to the above mentioned north-west angle of Nova Scotia, thence along the said Highlands, which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the north-westernmost head of Connecticut river, having officially communicated his opinion that it will be suitable to adopt for boundary between the two States (qu'il conviendra d'adopter pour limite des Etats) a line drawn due north from the source of the river St. Croix, to the point where it intersects the middle of the thalweg of the river St. John; thence the middle of the thalweg of that river, ascending to the point where the river St. Francis empties itself into the river St. John, thence the middle of the thalweg of the river St. Francis, ascending to the source of its south-western most branch designated on map A by the letter X, thence a line drawn due west to the Highlands, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those that fall into the Atlantic ocean to the north-westernmost head of Connecticut river: And the Legislature of the State of Maine having protested and continuing to protest against the adoption by the Government of the United States of the line of boundary thus described by the King of the Netherlands, as a dismemberment of her Territory, and a violation of her constitutional rights. And the President of the United States having appointed the undersigned Secretaries of the Departments of State, of the Treasury, and of the Navy, to meet with such persons as might be appointed by the State of Maine, for the purpose of entering into a provisional agreement as to the quantity and selection of lands of the United States, which the State of Maine might be willing to take, and the President would be willing to recommend to Congress to give for a release on her part of all claim of jurisdiction to, and of her interest in the lands lying north and east of the line so designated as a boundary by the King of the Netherlands: And the Governor of Maine, by virtue of the authority vested in him, having appointed the undersigned, William Pitt Preble, Reuel Williams, and Nicholas Emery, Commissioners on the part of said State, to meet and confer with the said Secretaries of State, of the Treasury, and of the Navy, thus authorized as aforesaid, with a view to an amicable understanding and satisfactory arrangement and settlement of all disputes which had arisen, or might arise, in regard to the North Eastern Boundary of said State and of the United States: And several meetings and conferences having been had at Washington between the eighteenth day of May, and the second day of June, 1832, and the said Commissioners, on the part of the State of Maine, having distinctly declared, that said State did not withdraw her protest against the adoption of the line designated as a boundary by the King of the Netherlands, but would continue to protest against the same, and that it was the desire of the Legislature and Government of Maine, that new negotiations should be opened for the purpose of having the line designated by the Treaty of Peace of 1783, run and marked according to that treaty, and if that should be found impracticable, for the establishment of such a new boundary between the dominions of the United States and Great Britain, as should be mutually convenient;

and, that he deems "a cession from the State of Maine of all her jurisdiction and right of soil over the territory" claimed by her, lying north and east of the rivers St. John and St. Francis, "as indispensable to the success of such negotiation." However direct the interest of the State in the question at issue on the one hand, as a foreign government is urging its pretensions on the other, the government of the United States is the only constitutional and competent agent to take charge of the controversy. Still the power of that government over that subject is not unlimited.

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and the Senate of the United States, did on the 23d day of June, 1832, pass a Resolution in the words following:

*Resolved*, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the Boundary between the possessions of the United States and those of Great Britain, on the north-east frontier of the United States, according to the Treaty of Peace of 1783.

Whereupon the Secretaries of State, of the Treasury, and of the Navy, did renew their communications with the Commissioners on the part of the State of Maine, and state it to be the wish and intention of the President to open a negotiation with the government of Great Britain for the purposes mentioned by the said Commissioners, and also for making arrangements relative to the navigation of the river St. John, and the adjustment of other points that may be necessary for the convenience of the parties interested; but deeming a cession from the State of Maine, of all her jurisdiction and right of soil over the territory heretofore stated as indispensable to the success of such negotiation, the Secretaries of State, of the Treasury, and of the Navy, did declare and propose, that in consideration of such cession, the President will, as soon as the state of the negotiation with Great Britain may render it proper to do so, recommend to Congress to grant to the State of Maine an indemnity for the release on her part, of all right and claim to jurisdiction over, and her interest in, the territory beyond the line so designated by the King of the Netherlands. The said indemnity to consist of one million acres of land to be selected by the State of Maine, and located in a square form, as near as may be, out of the unappropriated lands of the United States within the territory of Michigan—the said lands to be surveyed and sold by the United States at their expense, in the same manner, and under the same regulations which apply to the public lands—and the whole proceeds without deduction, to be paid over to the State of Maine as they shall be received. But if, in the result of any negotiation as aforesaid with Great Britain, the State of Maine shall ultimately lose less of the territory claimed by her, north and east of the river St. Francis, ascending to the source of its south-western most branch designated on map A by the letter X, thence a line drawn due west to the Highlands, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean to the north-westernmost head of Connecticut river: And the Legislature of the State of Maine having protested and continuing to protest against the adoption by the Government of the United States of the line of boundary thus described by the King of the Netherlands, as aforesaid indemnity shall be proportioned to the actual loss; and if any new territory contiguous to the State of Maine, not now within her limits, shall be acquired by such negotiation from Great Britain, the same shall be annexed to and be made a part of said State. And a further proportionate deduction shall be made from the indemnity above mentioned. But if such attempt on the part of the President to negotiate, should wholly fail, and in that case, and not otherwise, the proper authority of the United States should, on full consideration, determine to acquiesce in the line designated by the King of the Netherlands, and to establish the same, and to pay to the said Commissioners provisionally a sum of one million of acres, without any abatement or deduction—which offer the undersigned Commissioners provisionally accede to, and on condition of the due performance of all and singular, the things which by the declaration of the Secretaries of State, of the Treasury, and of the Navy, and by the proposal aforementioned are to be performed, or intended to be performed, they agree to recommend to the Legislature of the State of Maine, to accept said indemnity, and to release and assign to the United States, all right and claim to jurisdiction, and all her interest in the territory north and east of the line designated by the King of the Netherlands. But it is distinctly understood, that until this agreement shall have been accepted and ratified by the Legislature of Maine, nothing herein shall in any wise be construed as derogating from the claims and pretensions of the said State to the whole extent of her territory as asserted by her Legislature.

Nor shall any thing herein contained, be construed so as to express or imply, on the part of the President, any opinion whatever on the question of the validity of the decision of the King of the Netherlands, or of the obligation or expediency of carrying the same into effect.

(Signed) EDW. LIVINGSTON,  
LOUIS McLANE,  
LEVI WOODBURY,  
WM. P. PREBLE,  
REUEL WILLIAMS,  
NICHOLAS EMERY.

From the Correspondence of the Eastern Argus.  
SKETCHES. NO. 2.

SENATE.

I will continue my sketches, and give you a group—not the phiz of a lawyer among them. It gives me pleasure to present to the mind's eye of your readers, the Hon. J. Prince, Senator of the United States over adjacent territory, and having much experience in county and town business, and possessing a thorough knowledge of the wants of the people, his opinions are relied upon with confidence. Being a ready penman, and rapid in calculations, his services on the numerous Committees of which he is a member, are invaluable. Patient in argument, and conciliatory is his course towards those who differ from him in opinion, he is esteemed and respected by all. First ascertaining that he is right, he "goes the whole length" for a more particular description inquire of

WILLIAM FOSTER, Jr. Guardian.

Paris, Maine, July 10, 1832.

R. K. GOODENOW.

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For a more particular description inquire of

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Paris, Maine, March 6th, 1833.

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*Resolved*, That the Senate advise the President to open a new negotiation with his Britannic Majesty's Government, for the ascertainment of the Boundary between the possessions of the United States and those of Great Britain, on the north-east frontier of the United States, according to the Treaty of Peace of 1783.

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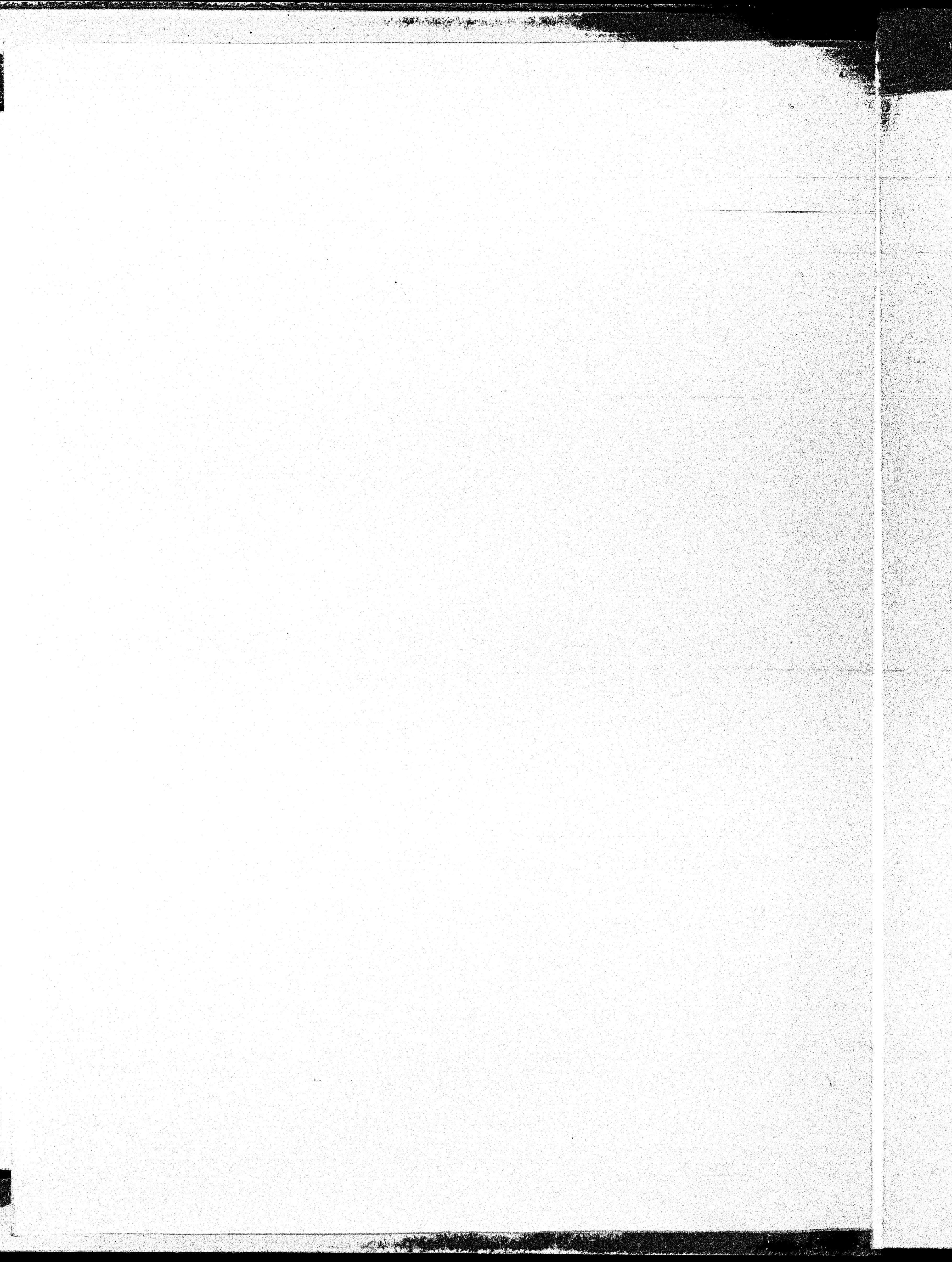
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